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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 GABRIELLE NIMTZ; NAOMI  
12 NIMTZ, a minor by her guardian ad  
13 litem, GABRIELLE NIMTZ;  
14 ADRIANNA NIMTZ, a minor by her  
15 guardian ad litem, GABRIELLE  
16 NIMTZ; and DANIEL JENSEN, a  
17 minor by her guardian ad litem,  
18 GABRIELLE NIMTZ;,  
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20 Plaintiffs,

21 vs.

22 CITY OF SAN DIEGO; SAN DIEGO  
23 POLICE DEPARTMENT; SAN  
24 DIEGO POLICE OFFICER VAN  
25 CLEEF; SAN DIEGO POLICE  
26 SERGEANT ANNING; CHIEF OF  
27 POLICE WILLIAM LANSLOWNE;  
28 and DOES 1-20 inclusive,

Defendants.

CASE NO. 3:10-CV-02166-H  
(WMC)

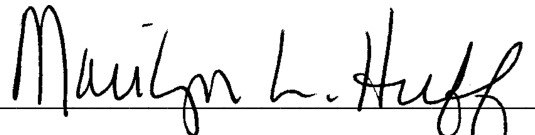
**ORDER DISMISSING CASE  
WITHOUT PREJUDICE  
PURSUANT TO FED. R. CIV.  
P. 41(b)**

On February 25, 2013, the Court held the final pretrial conference for this action. Christina M. Milligan appeared for Defendants. Plaintiff Gabrielle Nimtzt ("Plaintiff") failed to appear, in violation of the Court's January 24, 2013 order to appear and to comply with all court orders. (Doc. No. 44.) Plaintiff has failed to comply with several other court orders and has failed to take any action in this matter for over six months.

1 (See Doc. Nos. 38, 41, 43, 44.) The Court notified Plaintiff that failure to comply with  
2 court orders or otherwise fail to act could lead to dismissal of her case. (See Doc. Nos.  
3 43, 44.) Accordingly, counsel for Defendants moved the Court to dismiss this action  
4 under Rule 41(b) of the Federal Rules of Civil Procedure. Based on Plaintiff's failure  
5 to comply with court orders and Plaintiff's inaction in this matter, the Court grants the  
6 motion and dismisses the case without prejudice pursuant to Federal Rule 41(b).

7 **IT IS SO ORDERED.**

8 DATED: February 25, 2013

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10 MARILYN L. HUFF, District Judge  
11 UNITED STATES DISTRICT COURT  
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